

**AGENDA MEMO**

**CITY COUNCIL MEETING OF: AUGUST 19, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-34764 - APPLICANT: HOUSE OF VINO - OWNER:  
PROVIDENCE VILLAGE, LLC**

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**\*\* CONDITIONS \*\***

The Planning Commission (6-0-1/rt vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions.

**Planning and Development**

1. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. Approval of this Special Use Permit does not constitute approval of a liquor license.
3. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
4. All beer and wine coolers shall remain in their original manufacturer's configuration of four- or six-packs.
5. The sale of single beers, malt beverages, or wine coolers of any size with alcohol by volume greater than 6% shall be prohibited. The sale of wines with an alcohol by volume of greater than 16% shall be prohibited.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for Liquor Sales (For Off-Premise Consumption) located within a proposed 1,925 square foot convenience store located at 7181 North Hualapai Way, Suite #105. The applicant is proposing to sell package liquor as an ancillary use within the proposed convenience store. If denied, liquor sales will not be permitted within the proposed convenience store. Staff is recommending approval of the request as it is a permitted use within the VC (Village Commercial) Cliff's Edge Special Land Use designation and can be conducted in a manner that is compatible with surrounding land uses.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc. and Property Sales</i>	
02/05/03	The City Council approved a petition (A-0035-02) to Annex parcels of land generally located adjacent to the southeast corner of Grand Teton Drive and Puli Road, including this site, containing approximately 1,187 acres. The effective date was 02/14/03.
04/16/03	The City Council approved a request for a Rezoning (ZON-1520) from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan designation] to PD (Planned Development) zone on 297.50 acres and to establish a Master Plan for the Cliff's Edge development adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. The Planning Commission and staff recommended approval.
05/05/04	The City Council approved a Major Modification (MOD-3955) to the Cliff's Edge Master Development Plan to change land use designations from VC (Village Commercial), M (Medium Density Residential) and ML (Medium Low Density Residential) to ML (Medium Low Density Residential), M (Medium Density Residential), RCL (Residential Small Lot) and Pump & Reservoir. To modify section 6.2.3 regarding retaining walls, and to modify Table 1 (Section 2.2) to reflect changes in land use categories on 40 acres located on the south side of Grand Teton Drive, between Hualapai Way and Puli Road.
05/27/04	The Planning and Development Department approved a Minor Modification (MOD-4237) to include an exhibit depicting cross sections for private interior residential streets.
07/12/05	The Planning and Development Department approved a Minor Site Development Plan Review (SDR-6879) for a 1,582 square-foot temporary information center adjacent to the southwest corner of Elkhorn Road and Hualapai Way.

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc. and Property Sales</i></b>	
11/16/05	The City Council approved a request for a Major Modification (MOD-9174) to the Cliff's Edge Master Development Plan and Design Guidelines to establish standards for rear loaded residential small lot housing products and to add section 3.2.5b to the design guidelines on 1,156 acres generally located adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. The Planning Commission and staff recommended approval.
05/16/07	The City Council approved a request for a Variance (VAR-18090) of the Cliff's Edge Master Development Plan and Design Guidelines Section 3.2.1 to allow a balcony-to-balcony separation of 24 feet where 30 feet is required and to allow a setback of two feet from a living area, porch, stoop, and sidewalk where ten feet is required; and a Site Development Plan Review (SDR-18031) for a mixed-use development consisting of 218 proposed condominium units and a three-building, 32,400 square-foot retail development on 15.69 acres at the southwest corner of Hualapai Way and Elkhorn Road. The Planning Commission recommended approval. Staff recommended denial of both applications.
06/14/07	The Planning Commission approved a Tentative Map (TMP-21653) for a Mixed Use subdivision consisting of 218 residential condominium units and one commercial lot located on the southwest corner of Elkhorn Road and Hualapai Way. Staff recommended approval of this request.
02/06/08	The City Council approved a Review Of Condition (ROC-26396) of Condition Five of an approved Site Development Plan Review (SDR-18031) which stated that a certificate of occupancy for retail buildings 1, 2, and 3, shall be obtained prior to the request for certificates of occupancy on all residential units for an approved Mixed-Use Development with 218 residential units and 32,500 square feet of retail space at the southwest corner of Hualapai Way and Elkhorn Road.
07/23/09	<a href="#">The Planning Commission recommended denial of companion item SUP-34765 concurrently with this application.</a>  <a href="#">The Planning Commission voted 6-0-1/rt to recommend DENIAL (PC Agenda Item #24/ao).</a>
<b><i>Related Building Permits/Business Licenses</i></b>	
11/30/07	A building permit (#100111) was issued for a retail shell building at 7181 North Hualapai Way. The permit was completed on 01/29/09
08/13/08	A building permit (#122036) was issued for a 225-foot retaining wall at 7181 North Hualapai Way. The permit was completed on 10/14/08.
04/28/09	A building permit (#138322) was issued for a tenant improvement for 7181 North Hualapai Way. The permit is still under review.
<b><i>Pre-Application Meeting</i></b>	
05/20/09	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit for Liquor Sales (For Off-Premise Consumption) were discussed. Topics included: <ul style="list-style-type: none"> <li>• Cliff's Edge Master Plan requirements</li> <li>• Application materials and documents</li> <li>• Meeting dates and deadlines</li> </ul>

<b><i>Neighborhood Meeting</i></b>
A neighborhood meeting was not required, nor was one conducted.

Field Check	
06/18/09	<p>During a routine site inspection staff observed:</p> <ul style="list-style-type: none"><li>• There is adequate space for the proposed location of the facility; the facility will not interfere with on-site parking or circulation.</li><li>• The subject site contains a retail space within an existing 32,400 square-foot retail development.</li><li>• Construction on the retail development is complete.</li></ul>

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	3.42

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Shopping Center	PCD (Planned Community Development)	PD (Planned Development) Zone [VC (Village Commercial) Cliff's Edge Special Land Use Designation]
North	Single-Family Residences	PCD (Planned Community Development)	PD (Planned Development) Zone [L (Low Density Residential) Cliff's Edge Special Land Use Designation]
South	Condominiums	PCD (Planned Community Development)	PD (Planned Development) Zone [VC (Village Commercial) Cliff's Edge Special Land Use Designation]
East	Undeveloped (Clark County)	RL (Residential Low) – Clark County	R-E (Rural Estates Residential District) - Clark County
West	Condominiums	PCD (Planned Community Development)	PD (Planned Development) Zone [VC (Village Commercial) Cliff's Edge Special Land Use Designation]

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>			
Cliff's Edge	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
PD [Planned Development District (Cliff Edge)]	X		Y
<b>Trails</b>	X		Y
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>	X		Y

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.10, the following parking standards apply:*

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	30,600 SF	1:250	187	6	188	6	Y
TOTAL	30,600 SF		193		194		

## ANALYSIS

This is a request for a Special Use Permit for Liquor Sales (For Off Premise Consumption) within a proposed Convenience Store at 7181 North Hualapai Way, Suite #105. The establishment is not located within 400 feet of any church, synagogue, school or child care facility that is licensed for more than 12 children. The hours of operation for the store will be from 8:00am from 12:00am Monday through Sunday. The Convenience Store will contain 48 square feet of Beer & Wine display (including the walk-in cooler area) and 125 square feet of area behind the cashier for display of selected liquors. The 173 square feet of area dedicated to liquor sales is 9% of the total square footage of the Convenience Store. The proposed Special Use Permit is consistent with the requirements of the Cliff's Edge Master Planned Community and can be conducted in a manner that is compatible with existing surrounding land uses; therefore, staff recommends approval.

## FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed use is compatible with the VC (Village Commercial) Cliff’s Edge Master Planned Community land use designation and can be conducted in a manner that is harmonious and compatible with the existing surrounding land uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The proposed Liquor Sales use (For Off Premise Consumption) use will be located in an existing retail center, which is physically suitable for the type and intensity of the land use proposed.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Access to the site is via driveways from Elkhorn Road and Hualapai Way, which are 100-foot wide Primary Arterials, according to the Master Plan of Streets and Highways. Both are adequate to facilitate the traffic generated by the proposed use.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of this Special Use Permit will not compromise the public health, safety, or welfare as the proposed Convenience Store with Liquor Sales use (For Off Premise Consumption) will be subject to regular inspections.

5. **The use meets all of the applicable conditions per Title 19.04.**

The proposed Convenience Store with Liquor Sales use (For Off-Premise Consumption) use is permitted within the VC (Village Commercial) Cliff’s Edge Special land use designation. Title 19.04 does not apply.

**PLANNING COMMISSION ACTION**

The Planning Commission discussed adding the following conditions:

- Maximum size of are for alcohol sales shall be 173 square feet
- Hours of operation should be limited
- All the non-refrigerated alcohol shall be located behind the counter

In addition, there were 5 speakers against this project at the meeting.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 15

**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 219 by City Clerk

**APPROVALS** 0

**PROTESTS** 4